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**DEC 07 2001**

**OFFICE OF PETITIONS**

In re Application of  
Luca R. Diaconescu et al.  
Application No. 09/887685  
Filed: September 21, 2000  
Attorney Docket No.: 08-886705US

:  
: DECISION GRANTING  
: PETITION  
:

This is a decision on the paper styled "History of Missing File" filed September 19, 2001 and the paper filed December 3, 2001 which are being construed collectively as a petition requesting that a patent application of Luca R. Diaconescu and Ronald J. Gagnon (attorney docket No. 08-886705US) be accorded a filing date of September 21, 2000.

Petitioner alleges that the original application papers were filed in the Patent and Trademark Office (Office) on September 21, 2000, and subsequently misplaced in the Office. In support, the petition is accompanied by a copy of petitioner's postcard receipt acknowledging receipt in the Office on September 21, 2000 of 10 pages of specification, 5 claims, an abstract page, 3 sheets of drawings, a declaration, and an assignment page. A copy of the original application papers purportedly filed on September 21, 2000 was also supplied.

The original utility application papers identified on the postcard receipt cannot be located. However, in view of the evidence presented, the petition to accord the application a filing date of September 21, 2000 is granted.

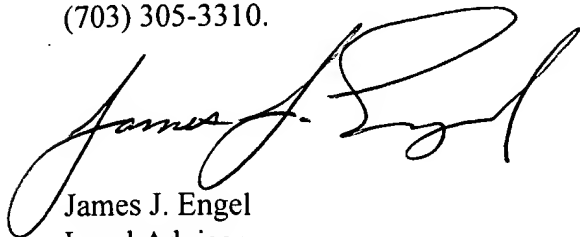
Applicants should notify this office if the original application papers are subsequently discovered in the Office so that the present duplicate file can be merged with the original papers and any duplicate filing fee refunded.

The petition and duplicate papers received September 19, 2001 have been placed in a new file wrapper and assigned application No. 09/887,685. The duplicate papers will be used for examination purposes.

The \$690.00 large entity application filing fee will be charged to applicant's deposit account No. 07-1750 after mailing of this decision.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of September 21, 2000, using the copy of the application papers supplied September 19, 2001.

Any inquiries related to this decision should be directed to Legal Advisor Darnell M. Jayne at (703) 305-3310.

A handwritten signature in black ink, appearing to read "James J. Engel". The signature is fluid and cursive, with the first name "James" and last name "Engel" clearly distinguishable.

James J. Engel  
Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy

dmj